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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 DAVID ALLEN GILLUM,

9 Plaintiff,

10 v.

11 OWENS, et al.,

12 Defendant.

CASE NO. 2:19-cv-01859-RSM-BAT

**ORDER DENYING MOTION TO  
SUBPOENA JUDGE LUM**

13 On March 5, 2020, plaintiff filed a *pro se* motion to subpoena. Dkt. 27. The motion states  
14 “[t]he plaintiff is requesting that the honorable Chief Judge Lum is subpoenaed to come and  
15 testify on plaintiff’s behalf as a key witness. His testimony has great merit for plaintiff to prove  
16 burden of proof.” *Id.* The Court declines to grant the motion for the following reasons:

17 1. The motion requests Judge Lum testify at plaintiff’s trial. However, no trial date  
18 has been set and the motion is therefore premature.

19 2. Federal Rule of Civil Procedure 45 governs the issuance of a civil subpoena. If  
20 plaintiff seeks a subpoena, he must (a) request the clerk of court issue him the subpoena form;  
21 (b) properly serve the subpoena upon Judge Lum and file proof of proper service in this Court;  
22 and (c) indicate in the subpoena the place and time of compliance, i.e., the trial date and location  
23 of the court.

1 For the foregoing reasons, the Court ORDERS: The motion to subpoena Judge Lum,  
2 Dkt. 27, is hereby DENIED. If plaintiff seeks to subpoena Judge Lum to testify at his trial, he  
3 must wait until a trial date has been set. Plaintiff shall not file a motion with the court requesting  
4 the court subpoena Judge Lum to appear at trial. Rather as set forth in Rule 45, plaintiff must  
5 request the clerk of court issue a subpoena. Upon issuance of the subpoena, plaintiff must  
6 properly serve Judge Lum and file proof of service.

7 DATED this 10<sup>th</sup> day of March, 2020.

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11 BRIAN A. TSUCHIDA  
12 Chief United States Magistrate Judge  
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